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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/648,660
	Filing Date	August 25, 2000
	First Named Inventor	Peter Calla
	Group Art Unit Number	3731
	Examiner Name	Unknown
Total Number of Pages in This Submission		7*
Attorney Docket Number		80121-0426

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Attorney/Reg. No.:	Albert C. Smith	Dated: May 21, 2001

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I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.		
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APPLICANT(S): PETER CALLAS, JOHN P. LUNSFORD, ALBERT K. CHIN,  
MICHAEL WEI  
APPLICATION NO.: 09/648,660  
FILING DATE: August 25, 2000  
TITLE: ENDOSCOPIC SURGICAL ACCESS PORT AND METHOD  
EXAMINER: Unknown  
GROUP ART UNIT: 3731  
ATTY. DKT. NO.: 80121-04926

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By:

ALBERT C. SMITH, Reg. No.: 20,355

COMMISSIONER FOR PATENTS  
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**INFORMATION DISCLOSURE STATEMENT**

**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of each listed reference, which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

The Information Disclosure Statement submitted herewith is being filed:

- ☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred;  
OR
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
- (1) a final action under 37 CFR §1.113; OR
  - (2) a notice of allowance under 37 CFR §1.311; AND
- ☐ attached hereto is the fee of \$180, as set forth under 37 CFR §1.17(p), for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;  
OR
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.

OR

- ☐ before the payment of the issue fee but after the mailing date of the first to occur of either:
- [1] a final action under 37 CFR § 1.113; OR
  - [2] a notice of allowance under 37 CFR § 1.311; AND  
in accordance with the requirements of 37 CFR § 1.97(d):
- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND
- ☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

☒ Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
PETER CALLAS, JOHN P. LUNSFORD,  
ALBERT K. CHIN, MICHAEL WEI

Dated: 8/21/01

By: A.C. Smith

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